

LR 1010-1 Instructions Regarding Process

Any party requiring process to be executed by the U.S. Marshal, or any other authorized person, must prepare and file the appropriate process forms with instructions sufficiently detailed to identify and locate the property subject to execution.

LR 1010-2 Process Held in Abeyance

If a party files a pleading seeking relief *in rem* or *quasi in rem* which would require the clerk to issue process, and the party does not wish the process to be issued at that time, the party must request that issuance of process be held in abeyance. It will not be the responsibility of the clerk to ensure that process is issued at a later date.

LR 1010-3 Intangible Property

(a) Issuance and Effect of Summons

Summons issued pursuant to Supplemental Rule C(3) must direct the person having control of the funds or other intangible property to show cause, no later than fourteen (14) days after service, why the funds or property should not be delivered to the Court to abide the judgment. The Court, for good cause shown, may shorten or lengthen the time. Service of the summons has the effect of an arrest of the property and brings it within the control of the Court.

(b) Payment to Marshal

The person who is served may deliver or pay over to the marshal the property or funds proceeded against, or a part thereof, sufficient to satisfy the claim. If such payment is made, the person served is excused from any duty to show cause.

(c) Manner of Showing Cause

The claimant of the property may show cause why the property should not be delivered to the Court by serving and filing a claim as provided in Supplemental Rule C(6) within the time allowed to show cause, and by serving and filing an answer to the complaint within twenty-one (21) days thereafter.

(d) Effect of Failure to Show Cause

If a claim is not filed within the time stated in the summons, or an answer is not filed within the time allowed under this rule, the person who was served must deliver or pay over to the marshal the property or funds proceeded against, or a part thereof, sufficient to satisfy plaintiff's claim.

LR 1010-4 Marshal's Return

The person executing process must file proof of service with the clerk and the marshal, and the marshal will mail a copy of the return to the attorney at whose request the execution was effected.

LR 1010-5 Seizure of Property in U.S. Custody

Where property in the custody of an officer or employee of the United States is to be arrested or attached, the marshal will deliver a copy of the complaint and warrant for arrest, or summons and process of attachment, to such officer or employee or, if the officer or employee is not found within the district, then to the custodian of the property within the district. The marshal will notify such officer, employee or custodian not to relinquish such property from custody until ordered to do so by the Court.

Amendment History to LR 1010

December 1, 2009

LR 1010-3(a)	Deadline changed from "ten (10)" days to "fourteen (14)" days.
LR 1010-3(c)	Deadline changed from "twenty (20)" days to "twenty-one (21)" days.